



FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

May 26, 2010

Peder Norby

REDACTED

RE: Advisory Letter

FPPC Case No. 10/307; Peder Norby

Dear Mr. Norby:

The Enforcement Division of the Fair Political Practices Commission (FPPC) recently wrote to you regarding the 2009 Statement of Economic Interests (SEI) you filed, on which you disclosed that you received a gift in excess of the gift limits imposed by the Political Reform Act¹ (Act) in Section 89503. Specifically, you were asked to give an explanation regarding a gift of a VIP Annual Pass to LEGOLAND in the amount of \$500, which exceeded the \$420 gift limit. After review of your response, we have decided to close this matter without commencing further investigation. Because you asked for advice on how to report these payments in the future, we offer for the following guidance.

Generally, under the Act, a gift is received or accepted when:

the recipient knows that he or she has either actual possession of the gift or takes any action exercising direction or control over the gift. . . . In the case of a rebate or discount which, based on Government Code Section 82028, would otherwise be a gift, the gift is 'received' or 'accepted' when the recipient knows that the rebate or discount is not made in the regular course of business to members of the public without regard to official status.

(Reg. § 18941(a).)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

According to the statement you provided in response to our initial letter, you received the gift in 2004 from LEGOLAND because of your long standing relationship at that time with the company LEGO. Under Regulation 18941, you accepted the gift when you took actual possession of the pass and took actions exercising direction or control over it. These actions include consistent use of the pass from 2004 until now. Based on these facts, you received a gift in 2004 and you did not incur an obligation to report use of the pass in January 2009 when you became a public official.

The FPPC publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660. Please also visit our website at www.fppc.ca.gov. If you have any questions regarding this letter, please feel free to call me at 916.322.8241.

Sincerely,

REDACTED

Adrianne Korchmaros
Political Reform Consultant
Enforcement Division